



0000090983

DOCKET NUMBER 105

RECEIVED

OCT 24 P 2 39

IN THE MATTER OF THE APPLICATION OF
SALT RIVER PROJECT, OR THEIR ASSIGNEE (S),
IN CONFORMANCE WITH THE REQUIREMENTS
THE ARIZONA REVISED STATUTES 40-360.03 AND
40-360.06 FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE CONSTRUCTION
OF NATURAL GAS-FIRED, COMBINED CYCLE
GENERATING FACILITIES AND ASSOCIATED
INTRAPLANT TRANSMISSION LINES, SWITCHYARD
IN GILBERT, ARIZONA LOCATED NEAR AND WEST OF
THE INTERSECTION OF VAL VISTA
DRIVE AND WARNER ROAD

- (1) MOTION TO COMPEL
RESPONSES TO
SECOND DATA
REQUEST
- (2) REQUEST FOR ORDER
AND HEARING
SUBPOENA
- (3) MOTION TO PRECLUDE
TESTIMONY OF SHARI
LIBICKI
- (4) RENEWED MOTION TO
CONTINUE FOR LACK
OF PRODUCTION OF
RELEVANT
DOCUMENTS

Intervenor, Cathy Lopez, files this Motion to Compel Responses from SRP; Request for Issuance of Hearing Subpoena; Motion To Preclude testimony of Shari Libicki and Renewed Motion To Continue For Lack of Production of Relevant Documents.

**MOTION TO COMPEL AND RENEWED REQUEST TO
CONTINUE FOR LACK OF PRODUCTION OF RELEVANT DOCUMENTS
THEREBY PLACING INTERVENOR IN A UNFAIR POSITION**

On October 17, 2000 which intervenor Cathy Lopez responded to SRP's Second Data Request and requested a Second Data Request from SRP. A copy of this Request was filed with my List of Witnesses and Exhibits. Applicant SRP responded to this Data Request on 10/20/00 (Attached as Exhibits A and B is a copy of the Request and Response both of which are incorporated herein by reference)

On October 23, 2000 intervenor called and spoke with Kelly Barr and Ken Sundolf regarding the inadequate responses the Second Data Request. In the afternoon of October 23, 2000 and in an effort to

further resolve matters regarding discovery, I sent an email to Kelly Barr and copied Ken Sundolf. (Attached as Exhibit C is a copy my 10/23/00 email which is incorporated herein by reference)

Intervenor would also point out that SRP and intervenor Cathy Lopez came to a resolution of the documents requested in her First Data Request and on October 17, 2000 the parties confirmed this resolution via telephone conference with Mr. Bullis. As of this date, Intervenor has **not** received all the documents agreed upon to be produced¹. While Ms. Barr admits that she had forgotten about some of the documents to be produced, this excuse may be understandable but certainly continues to place this intervenor in a position to be unprepared for these proceedings. It is also noteworthy to point out that most of the documents were **not** delivered to the intervenor until mid Sunday morning on October 22, 2000. Intervenor does recognize that Mr. Sundolf did make every effort to have these documents picked-up from the first delivery to intervenor's ²employment and have them delivered to her home. Unfortunately these documents were not delivered to her home until Sunday, October 22, 2000.

This committee must again address the issues associated with the lack of production of documents on the part of the Applicant, the timeliness of the production of documents by the Applicant and this intervenor's time spent in the request for production of relevant documents. This intervenor has made every effort to timely respond to data request, communicate with SRP, and meet all deadlines associated with the procedural order in these proceedings. Unfortunately this committee will continue to address these issues until SRP fully responds or is ordered to fully respond. It is also noteworthy to point out that SRP is causing most of this discovery disputes which are not only time consuming for everyone involved but certainly punishes all intervenors by placing them in a position of not being fully prepared

¹ The documents requested are of no surprise to the applicant since I have been asking for these materials since August of this year. During the final touches of this motion, I received a package purporting to be all the public comment forms but have not had a chance to review.

² The reason the documents were picked-up from my office is that SRP had failed to communicate that I was not going to be in the office on 10/20/00 to accept the delivery of documents.

to present their case before this committee. Again, this type of behavior continues to place all intervenors in an unprepared and unfair position.

One example of the problems with SRP's responses to my second data request would be answer to question number 8. The question reads:

"Any and all documents relating or regarding zoning, land use, approvals, petitions and all documents relating to jurisdiction on the real property which Santan is currently situated. "

SRP's response to question number 8:

"With respect to jurisdiction, this is a legal issue. SRP has already provided you with the Town of Gilbert's opinion on this subject. Attached is a copy of the zoning map for the city of Gilbert."

The first problem I have relating to this response is SRP does not make clear what person or entity and/or what opinion and/or document they are referring to? The second issues is not one single document was produced regarding the land use designation, approvals, petitions such as this property being annexed into the Town of Gilbert and the lack of production of documents relating to jurisdiction on the real property which Santan is currently situated. The response was intentionally vague and ambiguous including the lack of production of documents to this request. In further support of this statement attached as Exhibit D and incorporated herein by reference is a copy of Ordinance 395 dated October 1, 1984.

Additionally, SRP is still claiming they have no communication between the Town of Gilbert and SRP. This is nothing less than an intentional misleading statement by SRP. Intervenor has challenged this and in support of this challenge a few examples of emails and letters of correspondence between the Town of Gilbert and SRP is attached hereto as Exhibit "E" which is incorporated herein by reference.

Intervenor respectfully request this committee order the applicant SRP to respond in full and complete satisfaction of all data request including the immediate production of documents to this intervenor no later than October 25, 2000. Intervenor also requests that this committee continue these proceedings for at least another 30 days from the last date Applicant has fully responded to all data request to this intervenor. In the event these proceedings are not continued this intervenor will be prejudiced in the presentation of evidence and testimony before this committee.

REQUEST ORDER AND HEARING SUBPOENA

On October 20, 2000, Intervenor filed her List of Witnesses and Exhibits. Intervenor was advised yesterday by Ken Sundolf that SRP has no intentions to produce any witnesses requested by this intervenor. Both witnesses I am requesting to testify are employees of SRP. The first requested witness is ³Kathie Lee. This witness has information and knowledge concerning the allocation and payment of taxes to the Town of Gilbert and has been very involved with communications between the Town of Gilbert and SRP relating to the expansion of the Santan plant. The second witness is Dick Hayslip. Mr. Hayslip was and is very involved in the proposed expansion of the Santan plant and is a key witness relating to land and risk management issues.

Intervenor respectfully request this committee order the applicant SRP to produced both of these witnesses including their complete file files relating or regarding the Santan expansion plant for testimony before this committee or alternatively, issue two hearing subpoena duces tecums directed to these witnesses.

³ Reference is made to my Notice of Filing Exhibits, which contains numerous communications between the Town of Gilbert and SRP.

MOTION TO PRECLUDE TESTIMONY OF SHARI LIBICKI

Intervenor Cathy Lopez and Jennifer Duffany first meet with Shari Libicki back in September at Jennings Strouss & Salmon. We were advised that Ms. Libicki was brought as a neutral party to discuss air quality issues with us regarding the expansion of the Santan plant. As a matter of fact Ms. Libicki stated she was not retained by SRP but was hired to consultant on a neutral basis with both intervenors. At that time, we believed that Ms. Libicki would answer our questions relating to air quality and health issues associated with the proposed plant and no further involvement from Ms. Libicki would be associated with this matter. Though Ms. Libicki is not qualified to address the health risks associated with the proposed plant she did discuss her concerns with individual pollutants. After the meeting, Ms. Libicki was to follow-up with both intervenors regarding questions she was not able to answer during our meeting. Several emails went back and forth between Duffany, Lopez and Libicki all related to air quality questions. On October 6, 2000, I was informed through SRP Response to my Data Request that Ms. Libicki was listed as an expert witnesses for SRP.

Both Ms. Duffany and myself are very concerned about Ms. Libicki's ability to act as a **neutral party** when she is now listed as an expert witness for SRP. We believe that Ms. Libicki has and is playing both sides of the fence and any testimony from Ms. Libicki will serve to prejudice intervenors Lopez and Duffany.

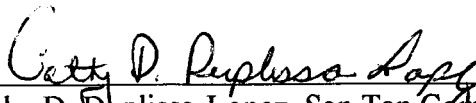
Intervenor respectfully request this committee order that Ms. Libicki be precluded from providing testimony and/or evidence before this committee based upon prior conversations with intervenors as a "neutral party."

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RESPECTFULLY SUBMITTED this 24th day of October, 2000.


Cathy D. Duplissa-Lopez, San Tan Community
Working Group and Resident of Gilbert, Arizona

Original and 25 copies filed
this 5th day of September, 2000
with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Copy of the foregoing faxed and/or delivered
this same date to:

Kenneth C. Sundlof, Esq.
JENNINGS, STROUSS & SALMON, PLC
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2393

Janice M. Alward
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Raymond S. Heyman
Roshka, Heyman, DeWulf, PLC
400 North Fifth Street
Suite 1000
Phoenix, Arizona 85004-3902

By

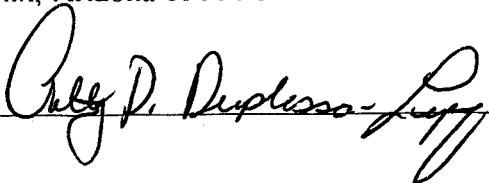


Exhibit A

12. All documents which SRP has not provided to this intervenor but which this intervenor has or will be requesting from SRP.

SECOND DATA REQUEST TO SRP

Intervenor, Cathy Lopez submits this second data request to you and request that you provide complete answers to these questions and produce the documents and things requested. These responses should be delivered to Cathy Lopez. This is a continuing request that you promptly supplement your responses in the event that additional information or documents become available.

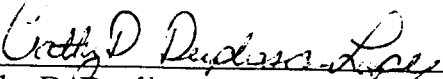
Intervenor would also request those documents which have not been produced to date but which were previously requested from SRP.

1. Please identify each and every witness you intent to present at the hearing.
2. For each witness that you intend to present at the hearing, please state the following:
 - a) The witness name and address
 - b) The witnesses qualifications as they pertain to the testimony.
 - c) A summary of the expected testimony of the witness.
 - d) The identification of any exhibits or reports which will be used or referenced in by the witness.
3. Please identify and produce each exhibit you intend to introduce at the hearing.
4. Please provide a copy of all documents, applications, reports, letters submitted to Maricopa County Environmental Services Department, Air Quality Permits relating or regarding the Santan Expansion Project.
5. Please provide a copy of all documents relating or regarding New West Energy relating or regarding the Santan Expansion Project including minutes and the corporate structure and/or relationship between SRP and New West Energy.

6. Please provide a copy of all documents relating or regarding Dyengy, Inc. or any other entity corporate formation relating or regarding the Santan Expansion Project including minutes and the corporate structure and/or relationship between SRP, Dyengy and/or or corporate entity which may now or in the future have management or ownership interest in Santan.
7. Any and all documents relating or regarding plans of development submitted to the Town of Gilbert on or about January 14, 2000 including any and all written communication between the Town of Gilbert and SRP. Reference is made to SRP's CEC application where this document is referenced.
8. Any and all documents relating or regarding zoning, land use designation, approvals, petitions, and documents relating to jurisdiction on the real property which Santan is currently situated.
9. Any and all documents between Sunbelt Holdings and SRP relating to the development of Finley Farms or any other master planned community located within 2 miles of the Santan plant.
10. Any and all documents relating or regarding information SRP maintains now, in the past ten years or the future in the possession of SRP regarding current planning or plans of development for residential communities within 5 miles of the Santan Plant.
11. Please provide a copy of any and all presentation materials and supporting documentation used or relied upon before the Arizona Corporation Commission Workshop on the Present and Future Electric Needs of the State held on January 26, 2000.
12. Please provide a copy of any all documents relating or regarding environmental impact reports specifically related to health issues and emissions from the Santan plant including any and all documents between SRP and any public health office.

13. Please provide any and all documents previously requested but not yet provided.

DATED: October 17, 2000.


Cathy D. Duplissa-Lopez, Santan Community
Working Group and Resident of Gilbert, Arizona

Original mailed this 17th day
Of September, 2000:

Kenneth C. Sundlof, Esq.
JENNINGS, STROUSS & SALMON, PLC
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2393


By 

Exhibit B

1 Kenneth C. Sundlof, Jr. - 004430
2 **JENNINGS, STROUSS & SALMON, P.L.C.**

3 A Professional Limited Liability Company
4 One Renaissance Square
5 Two North Central Ave.
6 Phoenix, AZ 85004-2393
7 Telephone: (602) 262-5911

8 Attorneys for Salt River Project

9 **BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION**
10 **LINE SITING COMMITTEE**

11 IN THE MATTER OF THE
12 APPLICATION OF SALT RIVER
13 PROJECT, OR THEIR ASSIGNEE(S), IN
14 CONFORMANCE WITH THE
15 REQUIREMENTS OF THE ARIZONA
16 REVISED STATUTES 40-360.03 AND 40-
17 360.06 FOR A CERTIFICATE OF
18 ENVIRONMENTAL COMPATIBILITY
19 AUTHORIZING THE CONSTRUCTION
20 OF NATURAL GAS-FIRED, COMBINED
21 CYCLE GENERATING FACILITIES
22 AND ASSOCIATED INTRAPLANT
23 TRANSMISSION LINES, SWITCHYARD
24 IN GILBERT, ARIZONA LOCATED
25 NEAR AND SOUTHEAST OF THE
26 INTERSECTION OF VAL VISTA DRIVE
AND WARNER ROAD.

CASE NO. 105
DOCKET NO. L-00000B-00-0105

SALT RIVER PROJECTS' RESPONSE
TO CATHY LOPEZ'S SECOND DATA
REQUESTS

Applicant Salt River Project ("SRP") responds to Intervenor, Cathy Lopez's second data requests and states as follows:

Response No. 1

This information was provided in SRP's List of Witnesses filed and mailed on October 19, 2000.

Response No. 2

a. This information was provided in SRP's List of Witnesses filed and mailed on October 19, 2000.

b. Attached is a copy of Jennifer Tripp and Shari Libicki's resumes.

1 c. This information was provided in SRP's List of Witnesses and Exhibits filed
2 and mailed on October 19, 2000.

3 d. This information was provided in SRP's List of Witnesses and Exhibits filed
4 and mailed on October 19, 2000.

5 **Response No. 3**

6 SRP has identified its exhibits in its List of Witnesses and Exhibits. Copies of draft
7 exhibits and presentation materials are attached.

8 **Response No. 4**

9 There has been nothing filed regarding the Santan Expansion Project. The
10 application for the retrofit of the existing units is attached.

11 **Response No. 5**

12 New West Energy Corporation has no involvement in the Santan Expansion Project.
13 New West Energy Corporation is an Arizona corporation, 100% owned by Salt River
14 Project. New West Energy Corporation is certificated as an Electric Service Provider
15 under the competition rules of the Arizona Corporation Commission.

16 **Response No. 6**

17 Other than SRP, there are no other entities involved in the Santan Expansion
18 Project.

19 **Response No. 7**

20 Representatives of EPG reviewed at the Town of Gilbert on January 14, 2000 plans
21 of development submitted by other individuals/entities. SRP did not provide these plans.
22 The reference on page B-2-5 of the Application refers to this review.

23 **Response No. 8**

24 With respect to the jurisdiction, this is a legal issue. SRP has already provided you
25 with the Town of Gilbert's opinion on this subject. Attached is a copy of the zoning map
26

1 for the city of Gilbert.

2 **Response No. 9**

3 There are none.

4 **Response No. 10**

5 There are none.

6 **Response No. 11**

7 We will provide you the documents on Monday, October 23rd.

8 **Response No. 12**

9 There are none.

10 **Response No. 13**

11 SRP believes it has provided all documents previously requested.

12 RESPECTFULLY SUBMITTED this 20th day of October, 2000.

13 JENNINGS, STROUSS & SALMON, P.L.C.

14
15
16 By:  _____

17 Kenneth C. Sundlof, Jr.
18 Two North Central Avenue
Sixteenth Floor
Phoenix, AZ 85004
Attorneys for Salt River Project

19 COPY of the foregoing hand-delivered
20 this 20th day of October, 2000, to

21 Cathy Lopez
22 1714 E. Rawhide
Gilbert, AZ 85296

23  _____

Exhibit C

From: "Cathy Duplissa- Lopez" <clopez@lrlaw.com>
To: <ljbarr@srpnet.com>
Date: 10/23/00 2:47PM
Subject: SRP's Response to Lopez' Second Data Request-

Attempt To Resolve Discovery Dispute - As we discussed this morning, SRP's responses and lack of documents provided concerns me greatly. I will need to have your written confirmation by 5:00 p.m. today that you are compiling the missing documentation and that I will have received the requested documentation no later than 10:00 a.m. tomorrow morning. I will be preparing a motion to compel requesting more definitive responses and production of documents respective to responses to numbers 5, 7, 8, and 10. I am also awaiting confirmation as to the individual at SRP who would be most knowable about the questions I am asking on "SRP" quasi judicial status and the remainder of the public comment cards. The answers are either vague and/or censussing and documents have not been provided as requested. I would also ask that SRP reconsider producing the witnesses I have requested from SRP. In the event I do not hear back from you regarding these witnesses, I will ask for the issuance of a hearing subpoena for these witnesses. Please forward this to Ken Sundlof for a joint response.

NOTE: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this E-Mail or by telephone at (602) 262-5311.

From: Cathy Duplissa- Lopez
To: kjbarr@srpnet
Date: 10/23/00 3:04PM
Subject: Fwd: SRP's Response to Lopez' Second Data Request-

I am forwarding this email again as there was a delivery problem.

Exhibit D

**TOWN OF GILBERT
119 N. GILBERT RD.
GILBERT, AZ 85234**

84 427754

Recorded in the Office of the Town Clerk

DATE **OCT 1 - 1984 - 11 30**

ORDINANCE NO. 395

2/

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF GILBERT, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING TOWN LIMITS OF THE TOWN OF GILBERT.

ORDINANCE (GO)

WHEREAS, a petition has been presented in writing to the Mayor and Common Council of the Town of Gilbert, Arizona, signed by the owners of more than one-half in value of the real and personal property as would be subject to taxation by the Town of Gilbert in the event of annexation within the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the Town of Gilbert, and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the Town of Gilbert, and to extend and increase the corporate limits of the Town of Gilbert so as to embrace the same; and

WHEREAS, the Mayor and Council of the Town of Gilbert, Arizona are desirous of complying with said petition and extending and increasing the corporate limits of the Town of Gilbert to include said territory; and

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the Town of Gilbert, and had attached thereto at all times an accurate map of the territory desired to be annexed; and

WHEREAS, no additions or alterations increasing the territory sought be annexed have been made after the said petition had been signed by any owner of real and personal property in such territory;

WHEREAS, certain portions of the territory sought to be annexed have been deleted by the said Mayor and Council, and therefore the territory sought to be annexed has been reduced in area to the territory hereinafter described; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the Office of the Town Clerk of the Town of Gilbert, Arizona, together with the original petition referred to herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AS FOLLOWS:

SECTION 1. That the following described territory be, and the same is, annexed to the Town of Gilbert, and that the present corporate limits be, and the same hereby are, extended and increased

84-427754

LIBERT M. GILBERT
LIBERT M. GILBERT

to include the following described territory contiguous to the present Town limits, to wit:

Property located within Section 24, Township 1 South, Range 5 East and Sections 19, 20, 21, 28, 29 and 30 Township 1 South, Range 6 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

Beginning at a point 33 feet West and 33 feet North of the Southeast corner of Section 24, Township 1 South, Range 5 East, said point being on the corporate limits of the Town of Gilbert as described in Ordinance 174; said point also being the TRUE POINT OF BEGINNING;

THENCE, North a distance of 10 feet along a line parallel to and 33 feet West of the East line of said Section 24;

THENCE, East a distance of 33 feet along a line parallel to and 43 feet North of the South line of Section 24 to the East line of Section 24;

THENCE, continuing East into Section 19, Township 1 South, Range 6 East along a line parallel to and 43 feet North of the South line of Section 19 to a point 33 feet East of the West line of Section 19;

THENCE, North along a line parallel to and 33 feet East of the West line of said Section 19 to a point of intersection with the South right-of-way line of the SRP Consolidated Canal;

THENCE, Northeasterly along the south right-of-way line of the Consolidated Canal to a point 33 feet south of the North line of Section 19;

THENCE, East along a line parallel to and 33 feet South of the North line of Section 19 to a point of intersection with the east line of Section 19, said point being on the West line of Section 20, Township 1 South, Range 6 East;

THENCE, continuing East along a line parallel to and 33 feet South of the North line of Section 20 to a point on the East line of Section 20, said point also being on the West line of Section 21, Township 1 South, Range 6 East.

THENCE, continuing East along a line parallel to and 33 feet South of the North line of Section 21 to a point 33 feet West of the East line of Section 21;

84 427754

THENCE, South along a line parallel to and 33 feet West of the East line of Section 21 to a point on the south line of Section 21, said point also being on the North line of Section 28, Township 1 South, Range 6 East.

THENCE, continuing South along a line parallel to and 33 feet West of the East line of Section 28 to a point 55 feet North of the South line of Section 28;

THENCE, West along a line parallel to and 55 feet North of the South line of Section 28 to a point of intersection with the North-South midsection line of said Section 28;

THENCE, North along the North-South midsection line of Section 28 to the point of intersection with the North line of Section 28, said point being on the South line of Section 21, Township 1 South, Range 6 East;

THENCE, North along the North-South midsection line of said Section 21 a distance of 33 feet;

THENCE, East along a line 33 feet North of and parallel to the south line of Section 21 to a point of intersection with the South right-of-way line of the Southern Pacific Railroad within Section 21;

THENCE, in a northwesterly direction along the South right-of-way line of the Southern Pacific Railroad to a point of intersection with the East right-of-way line of Val Vista Road in Section 21, said point being 33 feet East of the West line of said Section 21;

THENCE, South along a line 33 feet East of and parallel to the West line of Section 21 to a point 33 feet North of the South line of Section 21;

THENCE, East along a line 33 feet North of and parallel to the South Line of Section 21 to a point of intersection with the East line of the West half of the Southwest quarter of Section 21;

THENCE, South along the East line of the West half of the Southwest quarter of Section 21 a distance of 33 feet to a point on the South line of Section 21, said point being on the North line of Section 28;

THENCE, South along the East line of the West half of the Northwest quarter of Section 28 to a point

of intersection with the East-West midsection line of Section 28;

THENCE, West along the East-West midsection line of Section 28 to a point of intersection with the East right-of-way line of the Salt River Water User's Association Eastern Canal;

THENCE, Southwesterly along the South right-of-way of the SRWUA Eastern Canal through Section 28 and into Section 29, Township 1 South, Range 6 East to a point of intersection with a line 55 feet North of the South line of Section 29;

THENCE, West along a line parallel to and 55 feet North of the South line of Section 29 to a point 33 feet East of the West line of Section 29;

THENCE, North along a line parallel to and 33 feet East of the West line of Section 29 to a point of intersection with the North line of Section 29, said point being on the south line of Section 20, Township 1 South, Range 6 East.

THENCE, continuing North along a line parallel to and 33 feet East of the West line of Section 20 for a distance of 33 feet;

THENCE, East along a line parallel to and 33 feet North of the South line of Section 20 to a point of intersection with the North-South midsection line of Section 20;

THENCE, North along the North-South midsection line of Section 20 to the center of Section 20;

THENCE, West along the East-West Midsection line of Section 20 to a point 33 feet East of the West line of Section 20;

THENCE, South along a line 33 feet East of and parallel to the West line of Section 20 to a point 33 feet North of the South line of Section 20;

THENCE, West along a line parallel to and 33 feet North of the South line of Section 20 to a point of intersection with the West line of said Section 20, said point also being on the East line of Section 19, Township 1 South, Range 6 East;

THENCE, continuing West along a line parallel to and 33 feet North of the South line of Section 19 to a point 334.77 feet East of the West line of Section 19;

84-427754

THENCE, South along a line parallel to and 334.77 feet East of the West line of Section 19 a distance of 33 feet to the South line of Section 19, said point also being on the North line of Section 30, Township 1 South, Range 6 East;

THENCE, continuing South along a line parallel to and 334.77 feet East of the West line of said Section 30 to the Northwest corner of lot 13 of Rancho del Sol Subdivision as recorded in Book 136, Page 23, Maricopa County Recorder;

THENCE, continuing South along the West line of lots 13 and 16 of said Rancho del Sol Subdivision to the North right-of-way line of Shannon Street;

THENCE, West along the North right-of-way line of Shannon Street to a point 33 feet East of the West line of Section 30;

THENCE, North along a line parallel to and 33 feet East of the West line of Section 30 to a point of intersection with the North line of Section 30, said point also being on the South line of Section 19, Township 1 South, Range 6 East;

THENCE, North along a line parallel to and 33 feet East of the West line of Section 19 a distance of 33 feet;

THENCE, West along a line parallel to and 33 feet North of the South line of Section 19 to a point of intersection with the West line of Section 19, said point also being on the East line of Section 24, Township 1 South, Range 5 East;

THENCE, West along a line parallel to and 33 feet North of the South line of said Section 24 a distance of 33 feet to the TRUE POINT OF BEGINNING;

SECTION 2. That a copy of this ordinance, together with an accurate map of the territory hereby annexed to the Town of Gilbert, certified by the Mayor of said Town, be forthwith filed and recorded in the Office of the County Recorder of Maricopa County, Arizona.

INTRODUCED this 11th day of September, 1984.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Gilbert, Maricopa County, Arizona, this 18th day of Sept., 1984 by the following vote:

AYES: MCCLEVE, WHITMER, PETERSEN, LOWRY, REED, MCCABE


84 127754

ORD. NO. 395, Page 6

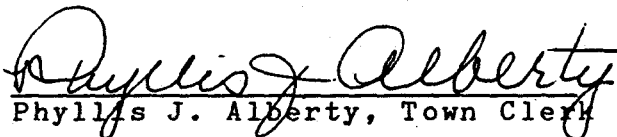
NAYS: NONE ABSENT: JENKINS

EXCUSED: JENKINS ABSTAINED: NONE

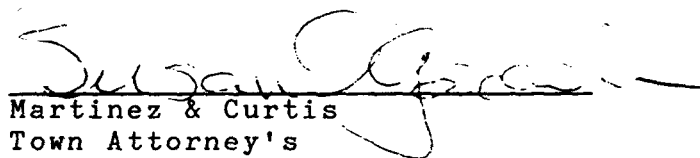
APPROVED this 18th day of September, 1984.

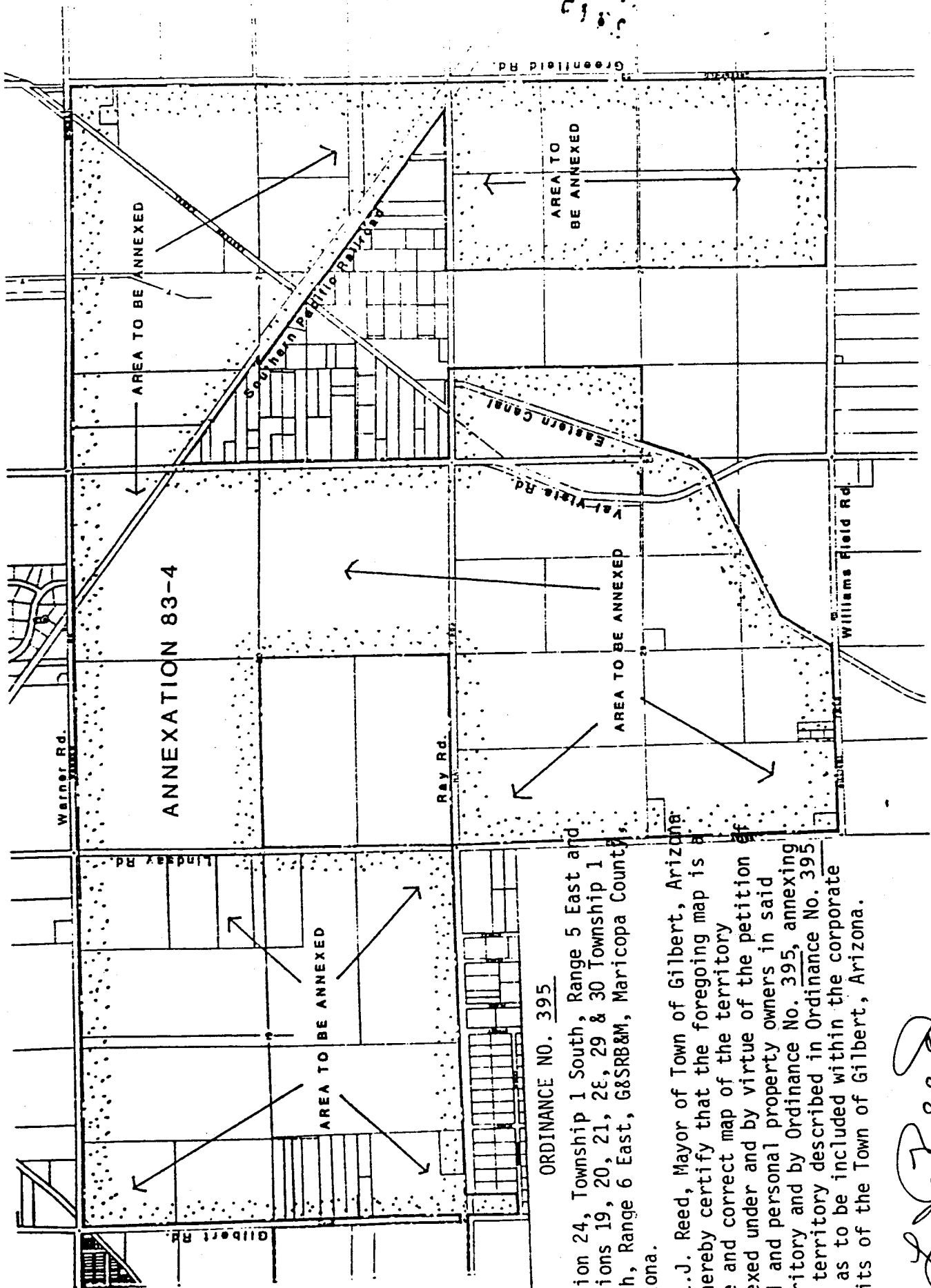

L. J. REED, Mayor

ATTEST:


Phyllis J. Alberty, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis
Town Attorney's



ORDINANCE NO. 395

Section 24, Township 1 South, Range 5 East and Sections 19, 20, 21, 28, 29 & 30 Township 1 South, Range 6 East, G&SRB&M, Maricopa County, Arizona.

I, L.J. Reed, Mayor of Town of Gilbert, Arizona, do hereby certify that the foregoing map is a true and correct map of the territory annexed under and by virtue of the petition of real and personal property owners in said territory and by Ordinance No. 395, annexing the territory described in Ordinance No. 395, and as to be included within the corporate limits of the Town of Gilbert, Arizona.

L. J. Reed, Mayor
 ATTEST: *G. J. Alberty*
 Myllis J. Alberty, Town Clerk

Exhibit D

Town Council

To: LEE KATHIE P
Subject: RE: Citizen Comments re Santan

June 5, 2000

Dear Kathie:

The Mayor would like to be copied on the responses that Janeen sends out to our residents. This will let them know that we are also being kept informed. Thank you responding to our residents so promptly.

Sincerely,
Jan Sutton, CMC
Executive Assistant
Mayor and Town Council

From: LEE KATHIE P[SMTP:kplee@srpnet.com]
Sent: Wednesday, May 24, 2000 10:18 AM
To: davec@ci.gilbert.az.us; <georgep@ci.gilbert.az.us>; larrym@ci.gilbert.az.us; <lesp@ci.gilbert.az.us>;
mayor@ci.gilbert.az.us; <mikee@ci.gilbert.az.us>
Subject: Citizen Comments re Santan

Just want to assure you that Janeen Rohovit, of SRP, is responding to each of the citizen comments that you forward to her. Since there have been several, she does not plan to copy you on each response unless you would prefer. Please let me know if you do want to receive copies of her responses. Thanks.

Town Council

From: LEE KATHIE P[SMTP:kplee@srpnet.com]
Sent: Monday, June 05, 2000 3:31 PM
To: 'Town Council'
Cc: ROHOVIT JANEEN C
Subject: RE: Citizen Comments re Santan

Jan: Will do, and also thanks for the copy of the press release.

-----Original Message-----

From: Town Council [mailto:council@ci.gilbert.az.us]
Sent: Monday, June 05, 2000 3:07 PM
To: 'LEE KATHIE P'
Subject: RE: Citizen Comments re Santan

June 5, 2000

Dear Kathie:

The Mayor would like to be copied on the responses that Janeen sends out to our residents. This will let them know that we are also being kept informed. Thank you responding to our residents so promptly.

Sincerely,
Jan Sutton, CMC
Executive Assistant
Mayor and Town Council

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> **To:** davec@ci.gilbert.az.us; <georgep@ci.gilbert.az.us>;
> larrym@ci.gilbert.az.us; <lesp@ci.gilbert.az.us>; mayor@ci.gilbert.az.us;
> <mikee@ci.gilbert.az.us>
> **Subject:** Citizen Comments re Santan
>
> Just want to assure you that Janeen Rohovit, of SRP, is responding to each
> of the citizen comments that you forward to her. Since there have been
> several, she does not plan to copy you on each response unless you would
> prefer. Please let me know if you do want to receive copies of her
> responses. Thanks.
>

Sub - SKY

Town Council

From: LEE KATHIE P[SMTP:kplee@srpnet.com]
Sent: Tuesday, June 06, 2000 12:01 PM
To: davec@ci.gilbert.az.us; <georgep@ci.gilbert.az.us>; larrym@ci.gilbert.az.us;
<lesp@ci.gilbert.az.us>; mayor@ci.gilbert.az.us; <mikee@ci.gilbert.az.us>
Cc: 'tamir@ci.gilbert.az.us'
Subject: Santan Taxes After the Override

The tax figures I sent you last month have changed slightly with the approval of the Gilbert override tax of 4% or \$3.6 million. SRP's voluntary contribution on the Santan Expansion Project increases to \$101 million over 21 years (previously \$98 million). Tax payments to the city stays the same, around \$8.6 million and Gilbert Unified climbs to \$68 million (previously \$67 million).

Please let me know if you have questions about this. Kathie (602) 236-2467